

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK MAURICE ROBINSON, FJ-2574,)	
Petitioner,)	
)	
v.)	Civil Action No. 06-1507
)	
SUPERINTENDENT WILSON, et al.,)	
Respondents.)	

Report and Recommendation

I. Recommendation:

It is respectfully recommended that the petition of Mark Maurice Robinson be transferred to the United States District Court for the Middle District of Pennsylvania.

II. Report:

Mark Maurice Robinson, an inmate at the State Correctional Institution at Fayette has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis.¹ In his petition, Robinson alleges that he is presently serving a sentence imposed following his conviction, at CP-67-CR-0000696-2002 in the Court of Common Pleas of York County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

¹ We note that although the petitioner appears to be challenging the validity of his criminal conviction in York County, he has also included in his petition various allegations regarding alleged improper treatment he received in York County. Thus, while the latter allegations might be setting forth civil rights violations, we note that the events about which he complains also occurred in York County, and would be appropriately addressed in the Middle District Court.

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in York County, which is located in the Middle District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania, and it is so recommended.

Within thirteen (13) days after being served with a copy, any party may serve and file written objections to the report and recommendation. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights.

Dated: November 15, 2006

Respectfully submitted,
s/Robert C. Mitchell,
United States Magistrate Judge